

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

Applicants have amended the claims as suggested by the Examiner to overcome the rejection under 35 U.S.C. § 112. Favorable reconsideration is respectfully solicited.

Claims 1-7 and 9-22 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Weichelsbaum (No. 3,063,549). In addition, claims 1-2, 6, 8-10, 14-17 and 21-23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by DE 2141705. Claims 1-3, 6, 9-11, 14, 16-18 and 21 also stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kikuchi (No. 4,747,488). Finally, claims 1-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chess et al. (No. 5,674,456) in view of any one of Weichelsbaum, DE 2141705 and Kikuchi. Applicants respectfully traverse these rejections.

Independent claims 1, 9, 16 and 23 have been amended to recite that the flexible tongue or element is configured as a free standing element that is connected to the cover or bottom only at one end and protrudes from the cover or bottom defining a free space between the tongue/element and the cover or bottom. This structure is not taught or suggested by the cited art taken alone or in obvious combination.

Weichselbaum (No. 3,063,549) discloses a cover comprising a flexible pad adhering to the cover. DE 2141705 discloses a flexible tube 17 (figures 2 and 3) or 27, 28, 29, 32, 33, 31 (see figures 4 and 5) for generating a bias against the plates inserted into the container.

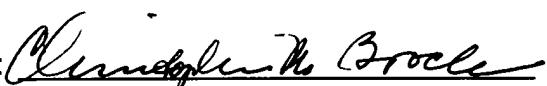
Neither Kikuchi (No. 4,747,488) nor Chess et al. (No. 5,674,456) disclose or suggest a flexible tongue or element.

As outlined in the Specification, this design of the flexible tongue or element facilitates easy manufacture in a simple and cost-effective manner and further reduces the contamination of plates received therein. Thus, a flexible cushion or pad (such as a foam pad) is no longer necessary. This substantially reduces the risk of contamination of the plates received within the container. Also the flexible tongue can easily be produced in one piece from a plastic material, such as polypropylene using conventional molding techniques.

Accordingly, Claims 1-23 as now presented are believed to patentably distinguish the present invention over the cited art. The present application is therefore believed to be in condition for allowance. Favorable reconsideration is respectfully solicited.

Respectfully submitted,

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By: 
Christopher M. Brock
Reg. No. 27313

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

CMB:bg